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C O N F I D E N T I A L ALGIERS 002057

SIPDIS

DEPARTMENT FOR S/WCI AND NEA/MAG

E.O. 12958: DECL: 10/04/2015

TAGS: [PTER](#) [PREL](#) [KAWC](#) [AG](#)

SUBJECT: AMBASSADOR RAISES GUANTANAMO DETAINEES WITH MFA
SECRETARY GENERAL

SIPDIS

REF: A. ALGIERS 1867

[1](#)B. ALGIERS 1438

Classified By: Ambassador Richard W. Erdman,
for reasons 1.4 (b) (d).

[1](#)1. (C) During an October 3 meeting on other issues, Ambassador and Pol/Econ chief raised with MFA Secretary General Lamamra the U.S. desire to repatriate some Algerian detainees at Guantanamo. Ambassador, noting an earlier conversation with FM Bedjaoui on the same subject (Ref A) and expressing appreciation for progress made in issuing travel documents to four non-Guantanamo detainees, informed Lamamra that we expected Ron Miller of S/WCI to visit Algiers the week of October 17 and hoped that he could discuss this issue with Lamamra and officials from the Ministry of Interior and the MFA Consular Directorate. Ambassador suggested that it would also be useful for Miller to meet with the Director of Counter-Terrorism for the Presidency, and Lamamra concurred.

[1](#)2. (C) Ambassador noted we had supplied biographical data on the three detainees approved for release, including information on their parentage, place of birth, date of birth, and the like that should satisfy the GOA's need to establish the subjects' Algerian citizenship. It was clear to the U.S., added Ambassador, that the detainees in question were Algerian. In order to avoid problems down the road, Ambassador impressed upon Lamamra the need for Algeria to accept the return of its citizens in conformity with Algeria's international legal obligation and cited the Miller visit as a good opportunity to move forward on this issue.

[1](#)3. (C) In contrast to Bedjaoui, a jurist and long-time President of the International Court of Justice in the Hague, Lamamra questioned whether Algeria really had an obligation to take back Algerians subject to criminal proceedings elsewhere. The individuals should be placed on trial (and held) in the jurisdiction where their crimes were committed, he maintained. Ambassador assured Lamamra that under international law, states were obliged to accept their citizens, noting that FM Bedjaoui had not disputed this point. In response to a question, Ambassador said the United States had determined it would not put on trial the three Algerian Guantanamo prisoners we were asking Algeria to receive. Ambassador also clarified that the three prisoners in question were separate from the dual national Algerians married to Bosnian women.

[1](#)4. ACTION: For subsequent discussions here, it would be helpful to have available relevant cites from binding international legal conventions concerning the obligation of states to receive their own nationals. In this regard, during his planned mid-October visit, S/WCI Miller should also be prepared to discuss this point of law with SYG Lamamra, should there continue to be confusion regarding Algeria's responsibility to take back its own citizens.

ERDMAN